APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,156	11/13/2001	Kelli H. Kennedy	10011462-1	5327

7590 10/03/2006		**EXAMINER**
HEWLETT-PACKARD COMPANY		QIN, YIXING

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ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/054,156</td><td>Applicant(s)
KENNEDY ET AL.</td></tr>
<tr><td>Examiner
Yixing Qin</td><td>Art Unit
2625</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 July 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27 and 30-32* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 7/17/06, all requested changes have been entered.

Response to Arguments

Applicant's arguments filed 7/17/06 have been fully considered but they are not persuasive. The argument is there is no file that is downloaded from a server used to convert print data into a format specific for a selected printer. Or, even if the distributed printing utility 120 is taken to be the file, it does not perform the format conversion.

The Examiner respectfully disagrees. The distributed printing utility 120 can be interpreted as being the file downloaded from a server used to convert print data into a specific format. Iwata et al discloses this in Figs. 16 item S500 (Fig. 16 shows steps occuring in the distributed printing utility 120) and P[0195] and P[0315]. P[0315] explicitly discloses that "[i]n the third embodiment, the process of step S500 shown in FIG. 16 extracts page data representing the page specified by the value of the page counter C2 from the intermediate print data, which has been input at step S410 and subjected to the margin correction at step S426, and converts the extracted page data into data suitable for the printer 60 (70 or 80) specified by the value of the printer counter C1, based on the performance information as well as the information regarding the basic settings of printing and the information regarding the paper settings, so as to generate the final print data."

Please see the rejection below for more detail.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I.   Claims 1, 2, 6-16, 18-27, and 30-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Iwata et al (U.S. Pub No. 20020163665 A1).

Regarding claims 1, 9, 15, 23, and 30, Iwata discloses a method of determining

information regarding at least one   printer available to receive a print job from a client

computer, comprising:

calling a general printer driver directly from an application executed by the client

computer; (Fig 2, items 100, 110)

transmitting a query from the client computer to a server via a network for an

identification of the at least one available printer; (Fig. 5 shows available. A query is

inherently made to receive information)

receiving an identification of the at least one available printer from the server;

(Fig. 5)

downloading a file from the server used to convert print data into a format

specific to a selected one of the at least one available printer; (Fig. 2, item 120 and

P[0195]. Figs. 16 item S500 and P[315] discloses that the distributed printing utility

does convert data to a specific format for a printer) and

wherein the general printer driver is accessible as a destination printer in a print

menu, and wherein the general printer driver is configured to launch a printing agent

(Fig. 35) to initiate the transmitting when the general printer driver is selected as the

destination printer. (Fig 5, item IC4 is discloses as the virtual printer driver in P[0153]).

Regarding claims 2, 10, Iwata discloses further comprising:

launching a printing agent with the general printer driver, the printing agent

generating the query transmitted from the client computer to the server for the

identification of the at least one available printer. (Fig. 35, item id113)

Regarding claims 6, 20, 25, Iwata discloses wherein the identification of the at

least one available printer received from the server is a list of printers. (Fig. 5)

Regarding claims 7, 13, 21, 26, Iwata discloses wherein the list of printers

includes information from one or more of a physical location, a printer capability and a

network address. (Figs. 31-34)

Regarding claims 8, 14, 22, 27 Iwata discloses further comprising displaying the identification of the at least one available printer for the user to select the selected one of the at least one available printer. (Figs. 31-34)

Regarding claim 16, Iwata discloses wherein the general printer driver code is called from the application in response to a print command entered by a user. (Fig. 2 items 100 and 110)

Regarding claim 31, Iwata discloses a method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:

providing a general printer driver on the client computer accessible as a destination printer in a print menu; (Fig. 2 and Fig 5, item IC4)

selecting the general printer driver as the destination printer directly from an application executed by the client computer; (Fig. 5)

responsive to the selecting, launching a printing agent on the client computer from the general printer driver; (Fig. 35)

transmitting a query from the printing agent to a server via a network for an identification of the at least one available printer; (Fig. 35, item id113)

receiving at the client computer an identification of the at least one available printer from the server in response to the query; (Fig. 35, item id 113)

selecting, via the general printer driver, one of the at least one available printer to print the print job; and (Fig. 35, item id 113 and Fig. 5)

downloading from the server to the client computer a file configured to convert the print job into a format specific to the selected printer; (Fig. 2, item 120 and P[0195]. Figs. 16 item S500 and P[315] discloses that the distributed printing utility does convert data to a specific format for a printer) and

printing the print job on the selected printer. (Fig. 2, item 60, 70, 80)

Regarding claim 32, Iwata discloses further comprising:

using the downloaded file, converting the print data into the format specific to the selected one of the at least one available printer; and

printing the converted print data on the selected one of the at least one available printer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

II.   Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Iwata et al (U.S. Pub No. 20020163665 A1) in view of Official Notice.

        Regarding claims 3, 17 Iwata discloses a print system with downloadable print

drivers.

        It does not explicitly disclose "wherein the general printer driver is a PostScript

printer driver."

        However, the Examiner takes Official Notice that Postscript is well-known printing

format.

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have used a PostScript printing driver.

        The motivation would have been to use a widely accepted format for compatibility

reasons.

        Therefore, it would have been obvious to use a PostScript driver in the Iwata

invention to obtain the invention as specified.

III.   Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Iwata et al (U.S. Pub No. 20020163665 A1) in view of Gase et al (U.S. Patent No.

5,580,177).

Regarding claims 4, 11, 18, 24, Iwata discloses a distributed printing system with driver downloading features.

It does not explicitly disclose "wherein the downloaded file is a printer description file and the method further comprises overwriting a generic printer description file with the downloaded printer description file and converting application specific data to be printed to printer specific data using the downloaded printer description file."

However, the secondary reference, Gase, discloses in column 4, lines 17-23 the ability to overwrite a printer driver with a newer one. One would understand that the new printer driver would be used to process/convert data to be printed. The printer driver would read on as a printer description file.

Iwata and Gase are combinable because both references are in the art of networked printing and providing drivers for printers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have an system for updating drivers.

The motivation would be to have the most current driver available for compatibility and efficiency reasons.

Therefore, it would have been obvious to combine Iwata and Gase to obtain the invention as specified.

Regarding claims 5, 12, 19, Iwata discloses a distributed printing system with driver downloading features.

It does not explicitly disclose "a distributed printing system with driver downloading features wherein the generic printer description file is temporarily overwritten until completion of the conversion."

However, the use of the distributed printing utility 120 effectively acts in place of the virtual printer driver (shown in Fig. 4 of Iwata in detail) by processing and converting intermediate print data into final output print data for a particular printer. While there is no explicitly overwriting, the overwriting and restoring of older drivers has been known in the Windows XP operating system, where a built in feature to allow the rollback of an updated driver to an older one if the new one is deemed to be incompatible.

Iwata and Gase are combinable because both references are in the art of networked printing and providing drivers for printers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have an system for updating drivers.

The motivation would be to have the most current driver available for compatibility and efficiency reasons.

Therefore, it would have been obvious to combine Iwata and Gase to obtain the invention as specified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

TWYLER LAMB
SUPERVISORY PATENT EXAMINER